IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

Crl.Rev.Pet.No. 904 of 2006()

CRA.409/2004 of SESSIONS COURT, KOTTAYAM
CC.53/2002 of JUDL. MAGISTRATE OF FIRST CLASS-II(MOBILE), KOTTAYAM
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REVN. PETITIONER/APPELLANT/ACCUSED:

P.S. VARGHESE,
PUTHANPURACKAL HOUSE, DISTRICT COURT WARD,
ALAPPUZHA.

BY ADV. SRI.G.SUKUMARA MENON
ADV. SMT.DEEPTHI S.MENON

RESPONDENTS/RESPONDENTS/COMPLAINANT& STATE:
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1. ANTONY JOHN, S/O. JOHN,
VANIYAPURACKAL HOUSE, KANNADY, KUTTANAD TALUK,
ALAPPUZHA DISTRICT.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

R1 BY ADV. SRI.K.SURESH
R2 BY PUBLIC PROSECUTOR ADV. SHRI KAMMAPPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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CRL. R.P.No. 4327 OF 2006

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Dated this the 5th December , 2006

O R D E R

The petitioner was convicted for the offence under section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for a period of three months. He was also directed to pay a sum of Rs. 75,000/- as compensation to the complainant under section 357(3) of the Code of Criminal Procedure . The appellate court confirmed the conviction and sentence.

2. The dispute between the parties has been settled and an application for compounding the offence was filed. That application was allowed.

In the result, the Revision Petition is allowed. The conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under section 320(8) of the Code of Criminal Procedure.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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CRL. M.A. No. 12306 OF 2006
IN CRL. R.P.No. 904 OF 2006

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Dated this the 5th December , 2006

O R D E R

This application is filed under section 147 of the Negotiable Instruments Act by the revision petitioner/accused and the first respondent/complainant seeking leave to compound the offence under section 138 of the Negotiable Instruments Act. It is stated in the application that the matter is settled between the parties out of court. The application is allowed.

K.T. SANKARAN,
JUDGE.

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